



**PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT**  
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**DATE:** November 15, 2001

**TO:** Orange County Zoning Administrator

**FROM:** Planning and Development Services Department/Current Planning Services Division

**SUBJECT:** Public Hearing on Planning Application PA 01-0099 for a Variance.

**PROPOSAL:** A variance to reduce the minimum required rear yard setback to facilitate the construction of a single-story room addition to a single family home. The variance requested proposes to reduce the setback from the required 15 feet to 10 feet.

**LOCATION:** 3202 Yellowtail Drive, in the Rossmoor area, within the Second Supervisorial District.

**APPLICANT:** Mr. And Mrs. David Sterud, owners.

**STAFF** Marta B. Crane, AICP, Project Manager

**CONTACT:** Phone: (714) 834-5144 FAX: (714) 834-4652

**SYNOPSIS:** The Current Planning Services Division recommends Zoning Administrator approval of Variance Application No. PA01-0099, subject to the attached Findings and Conditions of Approval.

**BACKGROUND:**

The subject site is zoned single family residential (R1), and was developed in 1960 as a one-story home with an attached two car garage in a 7,666 square foot lot. The house was originally built with a side entry garage setback 15 ½ feet from the front property line. The side yards are 5 feet each, and the rear yard ranges between 27 ½ feet to 30 feet deep. Mr. Sterud is proposing to expand the original structure with room additions to the front and back of the property (Exhibit 1). The front portion of the room addition meets all development standards and is not subject to this discretionary action. However, a portion of the room addition in the rear extends 5 feet into the required 15 foot setback. The proposed project therefore, will require a variance from the minimum standards.

**SURROUNDING LAND USE:**

The subject property is located at the south end of the Rossmoor neighborhood, along Yellowtail Drive, just east of Silver Fox Rd. surrounded by other single family residences also zoned R1. The site backs up to a drainage channel to the south, which is adjacent to Old Ranch Parkway and an office parking lot.

**REFERRAL FOR COMMENT AND PUBLIC NOTICE:**

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at 300 N. Flower, at the subject site in Rossmoor, and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to various reviewing Orange County Divisions and to the Rossmoor Homeowners Association. The homeowner's association reviewed the project and did not express any objections in their comments to staff (Exhibit 2). As of the writing of this staff report, there are no issues raised by any Orange County Divisions.

**CEQA COMPLIANCE:**

Pursuant to the California Environmental Quality Act (CEQA), the proposed project is Categorically Exempt from the requirements (Class 5, minor alterations in land use such as setback variance). Appendix A contains the required CEQA finding.

**DISCUSSION/ANALYSIS:**

Mr. and Mrs. Sterud are seeking approval of a variance to facilitate the construction of a room addition that will include two bedrooms, a laundry room and a family room. The proposed addition is 917 square feet total; part of it is proposed at the front of the house and part of it is at the rear. The front portion complies with all requirements of the code, however a portion of the rear room addition encroaches into the required setback. The rear portion of the room addition where the master bedroom is proposed will extend 20 feet into the backyard; 5 feet of which will be within the required rear setback. After the project, the rear setback of this portion of the house will be 10 feet, rather than the minimum 15 feet required.

The total open space available in the back yard of this property is currently 2,438 square feet based on the depth and width of the existing back yard. After the room addition project, the open space will be 1,603 square feet, which is still greater than the minimum space resulting from a 15 foot deep setback or 1,050 square feet. Even though the proposed project does reduce open space in the back yard, the total remaining open space at 1,603 square feet, is greater than the minimum area of a standard back yard because the encroachment is only 15 feet wide (Exhibit 3).

Because the property backs up to a drainage channel, and beyond that is an office parking lot, there are no residential uses directly adjacent to the project that could be impacted from the reduced setback proposed. The proposed room addition would not be visible from any public rights of way, therefore, it is not expected to impact the character of the neighborhood either. Traditionally, the Rossmoor Homeowner's Association has not objected to reduced setbacks facing the freeway or the flood control channels because they have not experienced any detrimental impacts to surrounding properties.

## **CONCLUSION OR SUMMARY:**

Should this variance be approved, the proposed room addition will comply with the minimum side yard separation to the east and west, and it will meet all other required development standards in the R1 zone. The total amount of open space in the rear yard of this property, after the room addition, will still be larger than an average back yard that meets the minimum setbacks because the depth of the remaining yard ranges between 27 ½ feet and 30 feet. Staff therefore, supports approval of this variance provided the applicant agrees to the conditions of approval recommended for this project as stated in Appendix B of this report.

## **RECOMMENDED ACTION:**

The Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA01-0099 for a rear setback variance, subject to the attached Findings and Conditions of Approval.

Respectfully submitted,

Chad G. Brown, Chief  
CPSD/Site Planning Section

MBC  
/staff reports/PA 010099

## **APPENDICES:**

- A. Recommended Findings
- B. Recommended Conditions of Approval

## **EXHIBITS:**

1. Applicant's Letter of Justification
2. Rossmoor Homeowners Association letter
3. Detail Site Plan
4. Set of Full Scale Plans (Site Plan, Floor Plans and Elevations).

## **APPEAL PROCEDURE:**

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$ 245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.